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8 Attorney for: Plaintiff Karen Linwood Severy

FILED
Clerk
District Court

OCT 14 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE NORTHERN MARIANA ISLANDS**

8 **KAREN LINWOOD**
9 **SEVERY,**

10 Plaintiff,

11 vs.
12 **COMMONWEALTH OF**
13 **THE NORTHERN**
14 **MARIANA ISLANDS,**
15 **OFFICE OF THE**
16 **ATTORNEY GENERAL;**
17 **DAVID W. HUTTON,**
18 **individually and in his**
19 **capacity as a supervisory**
20 **employee of the Office of the**
21 **Attorney General and the**
22 **Commonwealth of the**
23 **Northern Mariana Islands;**
and DOES 1-10, inclusive,

6 **Civil Action No. 05-0020**

7 **PLAINTIFF KAREN L.**
8 **SEVERY'S INITIAL**
9 **DISCLOSURES PURSUANT**
10 **TO FED. R. CIV. P. 26(a),**
11 **26(f), and LR 16.2CJ**

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20 **Defendants.**

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22 In compliance with this Court's September 26, 2005 Order re: Case
23 Management Conference and pursuant to Fed. R. Civ. P. 26(a) and (f), and

1 LR 16.2CJ, Plaintiff Karen Linwood Severy, by and through her
2 undersigned counsel, hereby provides the following information:

3 (A) Individuals likely to have discoverable information that Plaintiff may
4 use to support her claims or defenses:

5 1. Karen L. Severy: Ms. Severy has personal knowledge of all
6 facts relating to her claims for sex discrimination in violation of 28 U.S.C. §
7 2000e(2)(a)(1) and 16(a); unlawful retaliation in violation of 42 U.S.C. §
8 2000e(3)(a); deprivation of civil rights in violation of 42 U.S.C. § 1983;
9 breach of contract; breach of covenant of good faith and fair dealing;
10 unlawful termination in violation of public policy; and tortious interference
11 with contract. **All contacts and communications with Ms. Severy are to**
12 **be made exclusively through the office of her attorney, Robert T.**

13 **Torres, Esq.**

14 2. Erik S. Gaull: Mr. Gaull has personal knowledge of instances
15 of harassment by Defendant Hutton and damages incurred by Plaintiff
16 Severy at the hands of the Defendants named thus far in this proceeding. **In**
17 **light of Mr. Gaul's concerns for personal safety, all contacts and**
18 **communications with Mr. Gaull are to be made exclusively through the**
19 **office of Robert T. Torres, Esq.**

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2 3. David W. Hutton
3 Office of the Attorney General
4 Commonwealth of the Northern Mariana Islands
5 2d Floor Hon. Juan A. Sablan Memorial Building
6 Caller Box 10007, Capitol Hill
7 Saipan, MP 96950
8 Tel: (670) 664-2341
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11 Mr. Hutton is believed to have personal knowledge of material
12 facts and persons with knowledge of material facts underlying: (a) Ms.
13 Severy's claims for sex discrimination in violation of 28 U.S.C. §
14 2000e(2)(a)(1) and 16(a); unlawful retaliation in violation of 42 U.S.C. §
15 2000e(3)(a); deprivation of civil rights in violation of 42 U.S.C. § 1983;
16 breach of contract; breach of covenant of good faith and fair dealing;
17 unlawful termination in violation of public policy; and tortious interference
18 with contract; and (b) all affirmative defenses raised by Mr. Hutton to date
19 in this proceeding and specifically his claim that Plaintiff has failed to state
20 a claim for relief against Hutton in his official capacity; that Plaintiff has
21 failed to state a claim against Hutton in his personal capacity; that Hutton is
22 entitled to Qualified Immunity; that Title VII is the exclusive remedy for
23 allegations of sexual discrimination and sexual harassment; that Plaintiff's
contract is ultra vires; and that Hutton's actions in connection with Ms.
Severy's termination were privileged. On information, Mr. Hutton may
have relocated from the Commonwealth and may be contacted through his

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1 attorney, Mr. Anthony Long.

2 4. Pamela Brown, Esq.
3 Attorney General
4 Office of the Attorney General
5 Commonwealth of the Northern Mariana Islands
6 2d Floor Hon. Juan A. Sablan Memorial Building
7 Caller Box 10007, Capitol Hill
8 Saipan, MP 96950
9 Tel: (670) 664-2341

10 Ms. Brown is believed to have personal knowledge of material
11 facts and persons with knowledge of material facts relating to Ms. Severy's
12 claims in this case, including, but not limited to: (a) additional complaints
13 concerning Mr. Hutton's treatment of female coworkers and female
14 professionals; the failure and/or refusal of the Attorney General's Office to
15 exercise reasonable care, to undertake remedial measures, and to address
16 Mr. Hutton's unlawful acts; the nature of the investigation undertaken by
17 the Office of the Attorney General in this case; the damages incurred by Ms.
18 Severy as a result of her termination by the Office of the Attorney General;
19 and (b) facts underlying the Office of the Attorney General's affirmative
20 defenses, including, but not limited to, Ms. Severy's alleged failure to state
21 a claim; Ms. Severy's alleged failure to exhaust administrative remedies;
22 Ms. Severy's alleged failure to comply with statutory time limitations; the
23 injury and prejudice claimed to have been suffered by the Office of the

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1 Attorney General as a result of Plaintiff's alleged delay in filing her
2 Complaint; the reasonable care allegedly exercised by the Office of the
3 Attorney General to prevent and correct harassing behavior; the bar, if any,
4 to the collection of punitive damages; facts limiting the amount of statutory
5 damages; the Attorney General's justification to take the actions complained
6 of; Ms. Severy's waiver and release of her Title VII claims; facts barring
7 Ms. Severy from asserting any or all of her claims, including the allegedly
8 exclusive jurisdiction of the CNMI Superior Court.

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11 5. Clyde Lemons, Jr.
12 Deputy Attorney General
13 Office of the Attorney General
14 Commonwealth of the Northern Mariana Islands
15 2d Floor Hon. Juan A. Sablan Memorial Building
16 Caller Box 10007, Capitol Hill
17 Saipan, MP 96950
18 Tel: (670) 664-2341

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20 Mr. Lemons is believed to have personal knowledge of and
21 notice of facts underlying Ms. Severy's complaints about Mr. Hutton;
22 knowledge of material facts and persons with knowledge of material facts
23 concerning Ms. Severy's claims in this case; additional complaints
concerning Mr. Hutton's treatment of female coworkers; the failure and/or
refusal of the Attorney General's Office to exercise reasonable care, to
undertake remedial measures and to address Mr. Hutton's unlawful acts; the

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1 nature of the investigation undertaken by the Office of the Attorney General
2 in this case; the damages incurred by Ms. Severy as a result of her treatment
3 and termination by the Office of the Attorney General; and (b) facts
4 underlying the Office of the Attorney General's affirmative defenses,
5 including, but not limited to, Ms. Severy's alleged failure to state a claim;
6 Ms. Severy's alleged failure to exhaust administrative remedies; Ms.
7 Severy's alleged failure to comply with statutory time limitations; the injury
8 and prejudice claimed to have been suffered by the Office of the Attorney
9 General as a result of Plaintiff's alleged delay in filing her Complaint; the
10 reasonable care allegedly exercised by the Office of the Attorney General to
11 prevent and correct harassing behavior; the bar, if any, to the collection of
12 punitive damages; facts limiting the amount of statutory damages; the
13 Attorney General's justification to take the actions complained of; Ms.
14 Severy's waiver and release of her Title VII claims; facts barring Ms.
15 Severy from asserting any or all of her claims, including the allegedly
16 exclusive jurisdiction of the CNMI Superior Court.

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21 6. Current and former Assistant Attorneys General and members
22 of the Attorney General's Office, including but not limited to:
23 (1) Assistant Attorney General Janine Udui;

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1 (2) Assistant Attorney General Phil Tydingco;
2 (3) Assistant Attorney General Justin Wolosz
3 (4) Assistant Attorney General Alex Shapiro
4 (5) Assistant Attorney General Alan Barak
5 (6) Assistant Attorney General Benjamin Sachs, Esq., Chief,
6 Civil Division
7 (7) Assistant Attorney General Edward T. Buckingham
8 (8) Assistant Attorney General, James Stump
9 (9) Criminal Division Support Staff member Heather
10 Barcina
11 (10) Criminal Division Support Staff member Frieda
12 Demapan
13 (11) Criminal Division Support Staff member Esther San
14 Nicolas
15 (12) Dan Hocking;
16 (13) Blumel Ada (AGO Victim Advocate); and
17 (14) Richard Lampkin (formerly of the Office of the Public
18 Auditor).
19 (15) Mr. Wilfred Villagomez, AGO Administrative Staff
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1 (16) Joseph Race, AGO Immigration Division

2 (17) Joseph Kevin Villagomez, Department of Public Health

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5 Upon information and belief, the aforementioned persons may be
6 reached in care of:

7 Office of the Attorney General or the Office of the Public
8 Auditor

9 Commonwealth of the Northern Mariana Islands
10 2d Floor Hon. Juan A. Sablan Memorial Building
11 Caller Box 10007, Capitol Hill
12 Saipan, MP 96950
13 Tel: (670) 664-2341

14 Upon information and belief, the aforementioned persons may
15 have personal knowledge of facts and persons having knowledge of facts
16 concerning, but not limited to: Ms. Severy's claims in this case; additional
17 complaints about Mr. Hutton's treatment of female coworkers; the failure
18 and/or refusal of the Attorney General's Office to exercise reasonable care,
19 to undertake remedial measures and to address Mr. Hutton's unlawful acts;
20 and the nature of the investigation undertaken by the Office of the Attorney
21 General in this case.

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1 4. Bertha Camacho
2 Office of the Public Defender
3 Civic Center Complex
4 P.O. Box 10000
5 Saipan, MP 96950
6 Tel. (670) 234-6215

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5. Ms. Camacho is believed to have knowledge of facts concerning Mr. Hutton's personal and working relationship with Mr. Karen Severy and the matters alleged in the complaint.

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5. Diane Cabrera, Esq.
c/o Law Office of Edward Manibusan
P.O. Box 7934 SVRB
Tel. (670) 235-6520
Fax. (670) 235-6522

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5. Ms. Cabrera is believed to have knowledge of facts establishing notice to the Attorney General's Office of Mr. Hutton's improper treatment of female professionals and the failure and/or refusal of the Attorney General's Office to undertake remedial measures or address Mr. Hutton's acts.

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6. Joseph H. Race
Office of the Attorney General, Immigration Division
Commonwealth of the Northern Mariana Islands
2d Floor Hon. Juan A. Sablan Memorial Building
Caller Box 10007, Capitol Hill
Saipan, MP 96950
Tel: (670) 664-2341

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Mr. Race is believed to have knowledge regarding Mr. David Hutton's conduct and treatment of staff, including female staff, his attitude toward female staff within the Office of the Attorney General, and Mr. Hutton's conduct while employed in the Office of the Attorney General as to Ms. Severy and other female employees.

7. Timothy A. Riera
Director, U.S. Equal Opportunity Commission
Honolulu Local Office
300 Ala Moana Blvd., Room 7-127
Honolulu, HI 96850
Telephone: (808) 541-3120

Mr. Reira is believed to have knowledge of facts and persons having knowledge of facts relating to Ms. Severy's complaint of unlawful discrimination; unlawful retaliation; and deprivation of civil rights.

8. Frank Gibson, Administrator
CNMI Office of Personnel
P.O. Box 5153, CHRB
Saipan, MP 96950:

Mr. Gibson is believed to have knowledge of material facts and persons with knowledge of material facts concerning Ms. Severy's claims in this case; the failure and/or refusal of the Attorney General's Office to exercise reasonable care, to undertake remedial measures and to address Mr.

1 Hutton's unlawful acts; the nature of the investigation undertaken by the
2 CNMI Government and the Office of the Attorney General in this case; and
3 the damages incurred by Ms. Severy as a result of her termination by the
4 Office of the Attorney General.

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6 9. Joseph Kevin Villagomez
7 Department of Public Health
8 Community Guidance Center
9 P.O. Box 10000
Tel. (670) 234-8950

10 (B) Documents, data compilations, and tangible things in Plaintiff's
possession, custody, or control that may be used to support her claims:

11
12 1. Documents furnished to and/or compiled by the U.S. Equal
Employment Opportunity Commission and related to the
investigation of Ms. Severy's claims.

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14 2. Documents related to Ms. Severy's contract of employment
and the early termination thereof.

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16 3. Documents related to the investigation of Ms. Severy's claims,
including, but not limited to:

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18 A. Letter dated June 23, 2004 from the Office of Personnel
Management to Karen Severy re Result of Equal
Employment Opportunity Complaint Investigation
regarding April 15, 2004 complaint against Mr. David
Hutton

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20 B. Letter dated May 10, 2004 from Karen L. Severy to the
Office of Personnel Management regarding investigation
of complaint against David Hutton

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- C. Memorandum dated May 13, 2004 from Pamela Brown to Edward Buckingham re Clarification of Investigative Assignment and documents related thereto.
- D. Letter dated June 23, 2004 from the Office of Personnel Management to Karen L. Severy regarding result of Equal Employment Opportunity Complaint Investigation regarding April 15, 2004 complaint against Mr. David Hutton
- 4. Documents relating to the Office of the Attorney General's placement of Ms. Severy on administrative leave, transfer to the Civil Division, Severy re-assignments, and work assignments.
- 5. Memorandum dated September 18, 2003 from Karen L. Severy to David Hutton, Chief Prosecutor concerning Office Problems/Issues
- 6. Memorandum dated November 6, 2003 from Phillip Tydingco, Acting Chief Prosecutor to David Hutton, Chief Prosecutor concerning Outstanding Issues
- 7. Documents relating to the 2004 UNODC Fellowship Program Nomination of Karen L. Severy and Sponsorship for Australia Conference
- 8. Communications from Patrick J. Smith, Esq. to Pamela Brown, Esq.; Karen Severy; and David Hutton re Statements in the Press and responses thereto
- 9. Communications from the Office of the Attorney General to Karen Severy re work assignments.
- 10. Communications to and from Karen L. Severy and the Office of the Attorney General concerning David Hutton
- 11. EEOC Declaration of Deborah L. Covington dated August 29, 2003.

1 12. EEOC Declaration of Debra Knapp dated June 24, 2003.
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3 (C) Damages claimed by Karen L. Severy, including documents or other
4 evidentiary material, not privileged or protected from disclosure, on which
5 such computation is based, including materials bearing on the nature and
6 extent of injuries suffered: Damages claimed by Karen Severy as a result of
7 the acts and omissions alleged in her Complaint, exclusive of attorney's fees
8 and costs incurred in bringing this action are estimated to be in excess of
9 \$100,000. Documents and evidentiary material, not privileged or protected
10 from disclosure, reflecting the computation thereof, is currently being
11 accumulated and will be produced as soon as it is available.

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14 (D) Insurance agreement under which any person carrying on an insurance
15 business may be liable to satisfy part or all of a judgment which may be
16 entered in the action or to indemnify or reimburse for payments made to
17 satisfy the judgment: Ms. Severy has no such documents.
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20 (E) Disclosure of Expert Testimony Pursuant to Rule 26(a)(2): To date, no
21 persons have been designated to present evidence under Rules 702, 703, or
22 705 of the Federal Rules of Evidence. Plaintiff shall supplement these
23

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1 disclosures as and when required by applicable rules of civil procedure.
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5 Respectfully submitted this 14th day of October, 2005
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10 ROBERT TENORIO TORRES, ESQ.
11 Attorney for Plaintiff Karen L. Severy
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